

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

JON D. KALINOWSKI and)
CATHERINE A. DOWNS,)
Plaintiffs,)
)
v.)
)
GREGORY D. ADAMS, M.D.,)
GLASGOW FAMILY PRACTICE, P.A.,)
and GLASGOW FAMILY PRACTICE)
OF DELAWARE, L.L.C.,)
Defendants.)

C.A. No.: 12C-01-063 FSS
(E-FILED)

Submitted: March 22, 2012
Decided: March 29, 2012

ORDER

Upon Review of the Affidavit of Merit

This is Plaintiff's second attempt to comply with 18 *Del. C.* § 6853(a)(1) and (c) in a wrongful death suit based on Defendants' alleged healthcare negligence.

In Delaware, a healthcare negligence lawsuit cannot be filed without an affidavit of merit, which must state, *inter alia*, that reasonable grounds exist to believe Defendants were negligent, and this negligence proximately caused Plaintiff's injury.¹ Plaintiff's first attempt failed because the medical expert's affidavit of merit

¹ 18 *Del. C.* § 6853(c).

did not state Defendants' negligence proximately caused Plaintiff's injuries. Instead, it stated, "As a result of the violation of the standard of care, Plaintiff suffered injury." The court granted Plaintiff an additional twenty-one days to submit an amended affidavit of merit addressing proximate causation.

Plaintiff has timely submitted an amended affidavit of merit. After reviewing it, *in camera*, the court is satisfied the amended affidavit of merit explicitly states Defendants' negligence proximately caused Plaintiff's injury. Therefore, the court finds that the affidavit of merit now complies with 18 *Del. C.* § 6853(a)(1) and (c).

IT IS SO ORDERED.

/s/ Fred S. Silverman

Judge

cc: Prothonotary (Civil)
pc: Kenneth M. Roseman, Esquire
Frederick S. Freibott, Esquire
Steven F. Mones, Esquire
Andrew W. Vernick, Esquire
Gregory S. McKee, Esquire
Joshua H. Meyeroff, Esquire